

COUNTY OF MONTGOMERY
LIST OF ORDINANCE OFFENSES PUNISHABLE AS MISDEMEANORS

Chapter 1: General Provisions

Sec. 1-6(b): Unless otherwise specified, violation of any provision of the Code shall be a misdemeanor punishable as provided in GS 14-4.

Chapter 6: Amusements and Entertainment

Sec. 6-21(a): No person or entity shall operate a game room unless the person or entity has applied for and received a regulatory license.

Sec 6-23: Game room licensees shall not permit gambling, disorderly conduct, alcohol sale or use, or bootlegging on licensed premises.

Chapter 8: Animals

Sec. 8-20: Prohibited to possess, sell or harbor an inherently dangerous exotic animal or inherently dangerous reptile.

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Chapter 12: Buildings and Building Regulations

Sec. 12-41(b): No person shall occupy or use or let to another for occupancy or use as a human habitation any dwelling that does not meet minimum standards of fitness for human habitation.

Sec 12-78: Unlawful for owner of dwelling to refuse or disobey order of housing inspector to repair, demolish, etc. the dwelling, and unlawful to allow occupancy of dwelling subject to such order.

Chapter 14: Businesses and Business Regulations

Sec. 14-19: Any person or entity violating any section or provision of the RV park/campground ordinance shall, upon conviction, be guilty of a misdemeanor.

Chapter 16: Emergency Management

Sec. 16-26: A misdemeanor for any person to violate any provision of this article or plans issued according to the ordinance, or to willfully obstruct, hinder or delay any emergency management member in the enforcement of the ordinance or any emergency management plan.

Sec. 16-68: A misdemeanor for any person to violate any prohibition or restriction imposed by a declared state of emergency.

Sec. 16-100: A misdemeanor for any person to violate any provision of the National Incident Management System (NIMS) Ordinance or to obstruct/hinder/delay a member of any emergency management system.

Chapter 18: Emergency Services

Sec. 18-21: Unlawful for private ambulance service to operate within the county without a franchise from the county.

Chapter 20: Environment

Sec. 20-20: Unlawful to make or allow the making of noise or sound which exceeds certain decibel limits in different areas.

Sec. 20-27: Violation of noise ordinance a misdemeanor.

Sec. 20-51(a): Unlawful to abandon a vehicle.

Sec. 20-52(a): Unlawful for owner of nuisance or junked vehicle and/or property where nuisance or junked vehicle located to fail to remove it from the property after the vehicle has been ordered to be removed.

Sec. 20-63: Unlawful for person to remove or attempt to remove an impounded vehicle from storage facility.

Sec. 20-66(a): Violation of junked/abandoned vehicle ordinance a misdemeanor.

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Sec. 22-8: No structure or land located, developed, etc. in any way without full compliance with this chapter.

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Sec. 26-113: Owner or operator of HMP shall maintain an accurate register of all occupants and owners of MHs in MHP.

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Chapter 28: Offenses and Miscellaneous Provisions

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Sec. 30-3(a): Property owner, tenant, or occupant shall remove solid waste from property on a regular basis and ensure that it is disposed of at a facility that is permitted to receive the waste. Garbage shall be stored in proper containers and shall be stored in a manner that will not provide food or shelter to vermin or create a fire or safety hazard. Other than junkyard operator, no owner or occupant shall leave bulky wastes outside for longer than two weeks.

Sec. 30-3(b): Owner of multi-occupant premises to contract and pay for regular collection of garbage from premises.

Sec. 30-3(c): Dumping on private or public property prohibited.

Sec. 30-3(d): Open burning of solid waste prohibited.

Sec. 30-3(e): Unlawful to dispose of garbage or solid waste at any place or in any manner not approved by law.

Sec. 30-13: Violation of any provision of chapter a misdemeanor.

Sec. 30-42: Unlawful to operate commercial incineration facility within county without a permit from the county.

Sec. 30-45: Violation of commercial incineration article a misdemeanor.

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Chapter 32: Streets, Roads and Other Public Properties

Sec. 32-2(b): Unlawful to post, affix, nail etc. any bill, poster, advertisement or notice upon courthouse property.

Sec. 32-2(c): Unlawful to place signs on courthouse property.

Sec. 32-2(d)(2): Violation of Sec. 32-2 a misdemeanor.

Sec. 32-48: Use of tobacco products prohibited in county buildings or on county property.

Sec. 32-51: Violation of Sec. 32-48 a misdemeanor after request and subsequent formal warning.

Chapter 34: Subdivisions

Sec. 34-38(a): Misdemeanor for any person to subdivide land in violation of article or use an unapproved and unrecorded subdivision plat.

Chapter 40: Utilities

Sec. 40-70(a): Unlawful to install or maintain water service connection unless protected against pollution or contamination, to connect any water outlet in a residential building that has county water service to a non-county water source, and/or to have or install plumbing cross-connected or installed in such a way that water from the county water system and a private water system might become intermingled.

Appendix A: Zoning

Art. I, Sec. 9.1: Violation of zoning ordinance a misdemeanor.

Full text of Code of Ordinances is available online at:

https://library.municode.com/nc/montgomery_county/codes/code_of_ordinances

Chapter 1: General Provisions

Sec. 1-6. - General penalty; continuing violations; ordinance enforcement.

- (a) Unless otherwise specifically provided, a violation of any provision of this Code or any other county ordinance shall subject the offender to the remedies hereinafter provided; except that where the general statutes of North Carolina provide specific civil remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the county for enforcement of this Code shall be in addition to the remedies hereinafter stated; provided that no criminal penalties shall be applicable unless hereinafter stated in this section as being applicable to specific chapters or provisions of this Code.
- (b) Unless otherwise specifically identified, violations of any provision of the chapters and sections of this Code shall be a misdemeanor and punishable as provided by G.S. 14-4.
- (c) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other county ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the county for equitable relief that there is an adequate remedy at law.
- (d) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other county ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the county may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.
- (e) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that:
 - (1) Buildings or other structures on the property be closed, demolished or removed;
 - (2) Fixtures, furniture or other movable property be removed from buildings on the property;
 - (3) Grass and weeds be cut;
 - (4) Improvements or repairs be made; or
 - (5) Any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance.

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

- (f) The provisions of this Code and any other county ordinances may be enforced by one, all or a combination of the remedies authorized and prescribed by this section, except that any provision the violation of which incurs a civil penalty shall not be enforced by criminal penalties.
- (g) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other county ordinance shall be a separate and distinct offense.

- (h) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the county shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the section violated, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty.
- (i) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the county and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the county, or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the county treasurer, located in the county hall, within 15 days of the date of the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the county may institute a civil action in the nature of debt in the appropriate division of the General Court of Justice for the collection of the penalty.

Chapter 6: Amusements & Entertainment

Sec. 6-21. - Licensing of game rooms.

- (a) No person, partnership, corporation, or association shall operate a game room, as defined in section 6-20, within the county and outside the city limits of the towns, unless such person, partnership, corporation or association shall have first applied for and received the regulatory license provided by this section.
- (b) Every application for the regulatory license prescribed herein shall be upon a form approved by the board of commissioners and shall be filed with the county manager. Every such application shall be made under oath and shall contain the following information:
 - (1) If the applicant is a person, the name and residence address of such person. If the applicant is a partnership, corporation or association, the name and residence address of all persons having any legal or beneficial interest in such applicant;
 - (2) The address of the premises where the game room shall be located;
 - (3) A complete statement of all convictions of any persons whose names are required to be given in subsection (b)(1) of this section of any felony, or gambling or any violation of the law relative to gambling or drugs;
 - (4) A complete statement setting forth any revocation, by any governmental unit, of any license to operate a game room or to engage in the business of operating a game room rendered against any person whose name is required to be given in subsection (b)(1) of this section;
 - (5) A complete statement of any conviction of any person whose name is required to be given in subsection (b)(1) of this section, for violation of any statute, law ordinance or regulation of any governmental unit concerning the operation of a game room;
 - (6) The name and address of any game room or other establishment owned or operated by any person whose name is required to be given in subsection (b)(1) of this section, wherein the business of operating a game room is carried out; and
 - (7) A description of any other business to be operated on the same premises or adjoining premises owned or controlled by the applicant.

- (c) The county manager shall transmit a copy of the application to the sheriff's department for an investigation report to determine compliance with all zoning and building regulations and ordinances, and to the inspection department to determine compliance with any law relating to fire protection. The sheriff's department and inspection department within 30 days from the date a copy of the application is delivered to the police and inspection departments report the results of their examinations to the county manager.
- (d) An application in proper form, accompanied by all reports required by this section, shall be submitted to the board of commissioners, which shall approve such application if the board of commissioners determines that:
 - (1) The application contains no misstatement of fact;
 - (2) The applicant, or any person having any legal or beneficial ownership interest in the applicant, has not been convicted of any crime involving gambling, drugs, or any violation of any law or ordinance of any governmental unit concerning or related to the business of operating game rooms;
 - (3) The applicant conforms to all requirements of applicable zoning, building, and fire prevention codes; and
 - (4) The applicant or any person having a legal or beneficial ownership interest in the applicant has not, for the three-year period preceding the application, had a previously issued license revoked by any governmental unit for any reason.
- (e) Upon approval of the application by the board of commissioners, and upon receipt of a \$100.00 license fee, the board of commissioners shall issue a license to the applicant.
- (f) After giving the operator of a game room an opportunity to be heard, a license pursuant to this section may be revoked by the board of commissioners if the board of commissioners determines that:
 - (1) The licensee has violated any provisions of this article; or
 - (2) The licensee, or any agent of the licensee, employs or permits the game room to be operated by any other person who:
 - a. Has previously held a valid regulatory license to operate a game room in the county, and has had that license revoked in accordance with the provisions of this article; or
 - b. Has previously held a comparable regulatory license to operate a game room, issued by competent local or state authority in the state or elsewhere, and has had that license revoked for reasons which would be sufficient grounds for revocation of a license under this article;
 - (3) The licensee or the legal or beneficial owner of any interest in the licensee is convicted of any crime involving gambling, including, but not limited to, violations of G.S. 14-177 through 14-202.1, article 26 (offenses against public morality and decency);
 - (4) Any employee of the licensee is convicted of any felony in connection with his employment, or is convicted of any crime involving gambling, including, but not limited to, violations of G.S. 14-202, article 26 (offenses against public morality and decency);
 - (5) The licensee violates any zoning, building, or fire prevention ordinance;
 - (6) The operator, licensee or the legal or beneficial owner of any interest in the licensee is convicted of unlawfully possessing or selling intoxicating liquors or narcotic drugs; or
 - (7) The licensee moves or ceases operating a game room at the location required to be stated in the application for license pursuant to subsection (b)(1) of this section.

(Ord. of 8-21-2001, § 3)

Sec. 6-23. - Prohibited conduct.

Licensees under this article shall not, and neither shall their employees:

- (1) Suffer or permit any gambling on the licensed premises at any time, nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices on the licensed premises;
- (2) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon;
- (3) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises; or
- (4) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(Ord. of 8-21-2001, § 5)

Chapter 8: Animals

Sec. 8-20. - Unlawful possession.

At no time may any person possess, sell or harbor an inherently dangerous exotic mammal or inherently dangerous reptile within the county. Any exotic animal that is in possession, or harbored, at the time that the ordinance from which this article is derived is adopted will be "grandfathered" and excluded from the regulations/requirements of this article; however, to be properly "grandfathered" any person who possesses or harbors an inherently dangerous exotic mammal or reptile shall immediately register such animal with the county upon adoption of the ordinance from which this article is derived (registration shall be within 12 days of the day said ordinance is adopted). All animals grandfathered by this article shall be permanently identified with an imbedded microchip; owners of grandfathered animals shall have six months to imbed a microchip in the animal. Grandfathering only covers the existing registered animals until their death.

(Ord. of 11-18-2003, § 2)

Sec. 8-23. - Breeding and reproduction.

Breeding or allowing the reproduction of wild and dangerous animals as defined in this article is prohibited.

(Ord. of 11-18-2003, § 5)

Sec. 8-63. - Failure to contain a dangerous dog.

A dangerous dog must be confined or restrained at all times under the conditions set forth. Any violation of this determination will result in the seizure of the dog by county animal control. The owner of the dog will be subject to criminal and civil charges in accordance with G.S. 67-4.2—67-4.4.

(Ord. of [8-18-2015](#), § 5)

Chapter 10: Aviation

Sec. 10-24. - Districts.

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any district created by this section to a height in excess of the applicable height limitations herein established for each district in question as follows:

(1) *Approach zone (AHD-A).*

- a. *Runway 3.* Slopes 34 feet outward for each one foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- b. *Runway 21.* Slopes 34 feet outward for each one foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(2) *Transitional zones (AHD-T).* Slopes seven feet outward for each one foot upward, beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 778 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.

(3) *Horizontal zone (AHD-H).* Established at 150 feet above the airport elevation or at a height of 778 feet above mean sea level.

(4) *Conical zone.* Slopes 20 feet outward for each one foot upward, beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation of 978 feet above mean sea level. There are four conical zones (AHD-C-A, AHD-C-B, AHD-C-C, and AHD-C-D); each zone is 1,000 feet horizontally with a 50-foot rise in elevation. The maximum height of any structure within the conical zone is as follows:

Zone	Height, in feet above MSL
AHD-C-A	778
AHD-C-B	828
AHD-C-C	878
AHD-C-D	928

(Ord. of 9-16-2003, art. 6)

Sec. 10-25. - Use regulations.

Notwithstanding any other provisions of this article, no use may be made of land or water within any district established by this section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(Ord. of 9-16-2003, art. 7)

Chapter 12: Buldings & Building Regulations

Sec. 12-41. - Fitness for dwellings and dwelling units.

- (a) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 12-42 through 12-47.
- (b) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 12-42 through 12-47.

(Ord. of 3-2-1993, § III)

Sec. 12-78. - Violations; penalty.

- (a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish and remove the same, upon order of the housing inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.
- (b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 12-72, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation or closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.
- (d) In addition to the penalty established by subsection (c) of this section, and the remedies provided by other provisions of this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Ord. of 3-2-1993, § XXI)

Chapter 14: Business & Business Regulations

Sec. 14-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means any building or construction that is secondary to the primary unit. All accessory uses must meet all setbacks.

Permanent RV means an RV that is designed to be used for temporary dwelling labeled by HUD as a manufactured home (park model not exceeding 400 square feet) or built to state modular construction code (modular RV).

Private road or roadway means any street within a resort not publicly maintained and utilized for access by the occupants of the resort, their guests, and the public.

Recreational vehicle (RV) means any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time.

RV resort means any site or tract of land where two or more recreation vehicle sites are individually owned and occupied or intended for occupancy by ANSI park models, motor homes, RV camping trailer with facilities, or RV modular units.

RV site means a plot of land within a resort for the placement of a single RV camping trailer with facilities, ANSI park model, motor home, or RV modular unit for the exclusive use of its occupants.

Sanitation. Each RV site must provide a sewer outlet for occupant connection.

Service building means a structure housing toilet, lavatory, bathing and such other facilities as may be required by this article for the purpose of supplementing the facilities contained in ANSI park models, motor homes, RV camping trailer with facilities, or RV modular units.

Temporary RV means an RV that is designed to be used for temporary dwelling not labeled by HUD or built to state modular construction code. (This includes ANSI park model, RV camping trailer with facilities, motor homes).

Water. Each site must provide a water source for occupant connection.

(Ord. of 11-14-2000, § 1)

Chapter 16: Emergency Management

Sec. 16-26. - Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this article or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this article or any plan issued thereunder.

(Ord. of 1-1-1992(1), § 8)

Sec. 16-68. - Penalty for violation.

Except as provided in section 16-61, any person violating any prohibition or restriction imposed by a declaration authorized by this article shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

(Ord. of 1-18-2005, § 13)

Sec. 16-100. - Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this article or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this article or any plan issued thereunder.

(Ord. of 11-29-2005(1), § 4)

Chapter 18: Emergency Services

Sec. 18-21. - Required.

It shall be unlawful for any private ambulance service to operate within the geographical boundaries of the county without a franchise from the county, except as follows:

- (1) In cases where the service is initiated outside of the geographical boundaries of the counties.
- (2) Those entities specifically exempted by the provisions of G.S. 131E-160 and set out in this subsection as follows:
 - a. Privately owned vehicles not regularly used in the business of transporting patients;
 - b. A vehicle rendering service as an ambulance in case of a major catastrophe or emergency, when the permitted ambulances based in the locality of the catastrophe or emergency are insufficient to render the services required; and
 - c. Ambulances owned and operated by an agency of the United States government.

(Ord. of 7-8-1997)

Chapter 20: Environment

Sec. 20-20. - Certain noises and sounds prohibited.

It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in sections 20-21 through 20-25.

([Ord. of 12-17-2013, § 2](#))

Sec. 20-27. - Penalties.

If any person shall violate any provisions of this article, he shall be guilty of a misdemeanor and punished by a fine not to exceed \$250.00, or imprisonment not exceeding 30 days as prescribed in Section 203 Chapter 130 of the General Statutes of North Carolina.

([Ord. of 12-17-2013, § 9](#))

Sec. 20-51. - Abandoned vehicles unlawful; removal authorized.

- (a) It shall be unlawful for the registered owner or persons entitled to possession of a vehicle to cause or allow such a vehicle to be abandoned.
- (b) Upon investigation, the county inspection officer may determine that a vehicle is abandoned and order the vehicle removed.
- (c) A written assessment must be provided to the county manager itemizing the findings prior to any action being taken.

(Ord. of 11-29-2005(2), § 103)

Sec. 20-52. - Nuisance and junked vehicles regulated; removal authorized.

- (a) It shall be unlawful for the registered owner or persons entitled to the possession of a nuisance or junked vehicle, or for the owner, lessee, or occupant of the real property upon which a nuisance or junked vehicle is located, to leave or allow the vehicle to remain on the property after which the vehicle has been ordered to be removed.
- (b) Upon investigation, the county inspections officers may order the removal of a junked vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the financial burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness, and emotional stability of area residents.

(Ord. of 11-29-2005(2), § 104)

Sec. 20-63. - Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the county any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing, impoundment, and administrative fees have been paid, or bond in lieu of such fees has been posted.

(Ord. of 11-29-2005(2), § 115)

Sec. 20-66. - Enforcement of article.

- (a) Whenever in this article any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in the ordinance the doing of any act is required or the failure to do such act is declared to be unlawful, the violation of any such provision of this article shall be a Class 3 misdemeanor punished by a fine not exceeding \$500.00 or by imprisonment for a term not

exceeding 30 days. Each day that any violation of this article continues shall constitute a separate offense.

- (b) In addition to or in lieu of the penalty provision set forth in subsection (a) of this section, the violator may be subject to civil penalties and/or equitable remedies as permitted under state law, some of which are set out in G.S. 153A-123.
- (c) Any act constituting a violation of the provisions of the article or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00 for each separate offense. If the offender fails to pay this penalty within ten days after being notified of a violation, the penalty may be recovered by the county in a civil action in the nature of debt. Each day that any violation continues after notification exists shall be considered a separate offense for purposes of the penalties and remedies specified in this article.

(Ord. of 7-18-2006, § 119)

Chapter 22: Flood Damage Prevention

Sec. 22-8. - Compliance.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(Ord. of 12-18-2007(1), art. 3, § D)

Sec. 22-12. - Penalty.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 12-18-2007(1), art. 3, § H)

Chapter 24: Land Use

Sec. 24-22. - Penalties and enforcement.

- (a) *Cancellation of permits.* The zoning administrator/county inspector through the county inspections department shall cancel a building or occupancy permit when the method of construction or use violates any provisions contained in this article. This allows the inspector to discontinue electrical or water service to this facility.
- (b) *Criminal penalties.* Any person, firm or corporation violating any section or provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50.00, or imprisoned not more than 30 days. Each day such violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided. (For example, a continued violation of one

week after receiving notice from the zoning administrator/county inspector could accumulate penalties of up to \$350.00 in fines or imprisonment of up to 210 days.)

(c) *Civil remedies.*

- (1) *Monetary penalty.* Any act constituting a violation of the provisions of this article or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of a maximum of \$100.00 per day. If the offender fails to pay this penalty within ten days after being cited for a violation, the county, in an action in the nature of the debt, may recover the penalty. A civil penalty may not be appealed to the board of adjustment if the offender was sent a final notice of violation and did not take an appeal to the board of adjustment within the prescribed time.
 - (2) *Injunctive relief.* If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure land is occupied or used in violation of the General Statutes of North Carolina, this article, or other regulation made under authority conferred thereby, then the county may apply to the district court, civil division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
 - (3) *Abatement.* In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed and demolished or removed; that fixtures, furniture, or other movable property be removed from the buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this article. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.
- (d) *Equitable relief.* The county may apply to the district court, civil division, or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the county's application for equitable relief that there is an adequate remedy at law.
- (e) *Combination of remedies.* The county may choose to enforce this article by any one, all, or a combination of the procedures listed in subsection (c) of this section.
- (f) *State enforcement authority.* The environmental management commission may take any appropriate preventive or remedial enforcement action authorized under G.S. 143-214.5 against any person who violates any minimum statewide water supply watershed management requirement.

(Ord. of 3-15-2011, § 4)

Chapter 26: Manufactured Housing

Sec. 26-20. - Duty of owner or person in possession.

Every owner or person in possession thereof, if other than the owner, of a mobile home located within the county, except:

- (1) A mobile home temporarily located within the county with the express predetermined intent and purpose of conveyance outside of the county within 30 days after arrival;
- (2) A mobile home held for display or exhibition purposes by a mobile home dealer licensed by the state as such, and displaying said license; and

(3) A mobile home passing through the county on a public street, road or highway for conveyance elsewhere;

shall register said mobile home during the regular ad valorem tax listing period of each year with the county tax supervisor's office, provided that registration as herein referred to shall not relieve any person from the obligation to list all property for ad valorem tax purposes in the manner required by law, and more particularly the Machinery Act of 1971 (G.S. 105-271 et seq.) and provisions contained therein.

(Ord. of 12-2-1975, § 2)

Sec. 26-21. - Registration.

Registration shall occur when the mobile home is properly listed with the county tax supervisor's office for ad valorem tax purposes; and upon such listing, the tax supervisor's office shall deliver a numbered plate, sticker or other appropriate device to the person registering or listing such mobile home, which device shall be displayed on the mobile home on or near the main door or exit so as to be clearly visible from the exterior; provided, however, that any mobile home otherwise required to be registered pursuant to this article shall not be deemed exempted from the provisions of the article if listing for ad valorem tax purposes is not required.

(Ord. of 12-2-1975, § 3)

Sec. 26-26. - Display of evidence of registration.

Every mobile home located within the county, except as otherwise provided in this article, shall, throughout the current issue year, display the assigned numbered plate, sticker or decal as required by this article and in such manner as to be visible from the exterior at all times.

(Ord. of 12-2-1975, § 8)

Sec. 26-28. - Violation.

Any owner or person in possession of a mobile home who shall violate or fail to comply with any of the provisions of the article, or any person who shall counsel, bid, or abet any such violation or failure to comply shall be guilty of a misdemeanor, punishable by a fine of not to exceed \$50.00 or by imprisonment for not more than 30 days.

(Ord. of 12-2-1975, § 10)

Sec. 26-87. - Approval required.

No mobile home park within the jurisdiction of the county shall be established, altered or expanded until a construction permit has been issued by the enforcement officer authorizing such construction.

(Ord. of 11-2-1971, art. VI, § A)

Sec. 26-113. - Registration of occupants.

Every mobile home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of mobile homes in the park. The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:

(1) Name of owner or occupant.

- (2) Mobile home space number.
- (3) Make, model and registration number of mobile home.
- (4) Date of arrival and departure of the occupants.

(Ord. of 11-2-1971, art. VII, § E)

Sec. 26-145. - Penalty.

Any person violating the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$50.00 or imprisonment not more than 30 days, as provided by G.S. 14-40.

(Ord. of 11-2-1971, art. VIII, § D)

Chapter 28: Offenses & Miscellaneous Provisions

Sec. 28-1. - Prohibited hunting and fishing on private property.

- (a) It is unlawful to take wildlife or attempt to take wildlife on the land of another, or to fish on the land of another, without having on one's person while hunting or fishing the written permission, signed and dated for the current hunting or fishing season, of the landowner or lessee, or the landowner's or lessee's designee. The written permission shall not be valid for more than one year and may be valid for a shorter period stated in the permission. The written permission shall be displayed upon request of any law enforcement officer of the state wildlife resources commission, by the sheriff and deputy sheriffs of the county sheriff's office, and by other law enforcement officers with general subject matter jurisdiction.
- (b) Violation of this section is a Class 3 misdemeanor, punishable by a fine of \$250.00 and/or a sentence not to exceed 20 days, and an order by the judge to complete a hunter's safety course.
- (c) This section is enforceable by law enforcement officers of the state wildlife resources commission, by the sheriff and deputy sheriffs of the county sheriff's office, and by peace officers with general subject matter jurisdiction.

(Ord. of 10-20-2009)

Chapter 30: Solid Waste

Sec. 30-3. - Storage, accumulation and disposal of garbage and solid waste.

- (a) *Limitations on solid waste storage on private property.* The owner, occupant, tenant or lessee of any property shall be responsible for the storage, collection and disposal of solid waste and shall remove or cause to be removed all solid wastes from his property on a regular basis. The owner, occupant, tenant or lessee of any property shall ensure that his waste is disposed of at a site or facility which is permitted to receive the waste.
 - (1) Garbage shall be stored only in a container that is durable, rust-resistant, nonabsorbent, rodentproof, and easily cleanable with a closefitting, flytight cover in place with adequate handles or bails to facilitate handling, not to exceed a 100-gallon capacity, or other types of

containers conforming to the intent of this chapter. Dumpsters or roll-off boxes larger than 100 gallons may be used for temporary storage and disposal of large amounts of waste due to moving, construction, or other special activities on the residential property. Commercial property may permanently use dumpsters or roll-off boxes for the operations of their business. The number of containers shall be adequate to store the accumulated garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

- (2) Refuse shall be stored in a manner that will not provide food or harborage for rodents and vermin and will not create a fire or safety hazard.
 - (3) No owner, occupant, tenant or lessee of a building or dwelling other than the operator of a permitted junkyard shall place or leave outside of any building longer than two weeks bulky wastes such as furniture, appliances, machinery, equipment, building material, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperable condition, with the exclusion of those vehicles defined in article III of chapter 20.
 - (4) No owner, occupant, tenant or lessee of a building or dwelling shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or snap lock or similar device without first removing the doors from the appliance or any other container which is crated, strapped, or locked.
- (b) *Responsibility of owner of multi-occupant premises.* Where there are five or more premises located in a residential building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with a licensed garbage collector and to pay for the regular collection of all garbage from each premises. An owner of a multi-premises building or manufactured home park may apply to the health director for an exemption if he can show that he is now disposing of garbage in a safe and sanitary manner as outlined in this chapter. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.
- (c) *Open dumping on private or public property prohibited.* No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by that person, another person, or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that property specifically permitted for that use.
- (d) *Open burning prohibited.* There shall be no open burning of solid waste in the county.
- (e) *Acceptable means of disposal of solid waste.* It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal include the following:
- (1) Contracting with an appropriate solid waste transporter that transports such solid waste to a permitted landfill.
 - (2) Hauling garbage and solid waste to a designated county-owned solid waste convenience center (residential waste only), including the convenience center at the site of the material recovery facility (MRF) and the Uwharrie Environmental Landfill.
 - (3) Burning solid waste in an incinerator that has all required local, state, and federal air pollution control permits.
 - (4) By any other method, including reclamation and recycling processes, that has been approved by the state division of solid waste.

(Ord. of 10-21-2008, § 3)

Sec. 30-13. - Fines and penalties.

- (a) *Criminal penalty.* Any person violating this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.
- (b) *Civil penalty.* Any person who is found in violation of this chapter shall be subject to a civil penalty of not more than \$500.00 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.
- (c) *Equitable remedies.* This chapter may be enforced by equitable remedies and any unlawful condition existing by injunction and order of abatement in accordance with G.S. 153A-123 or G.S. 153A-140.

(Ord. of 10-21-2008, § 14)

Sec. 30-42. - No operation without a permit.

It shall be unlawful to operate any commercial incineration facility in the county without a permit from the county.

(Ord. of 2-6-1990, § I)

Sec. 30-45. - Criminal penalties.

Any person, firm or legal entity violating this article shall be guilty of a misdemeanor and, upon conviction, fined not more than \$50.00 for each offense or imprisoned for not more than 30 days for each offense. Each day this article is violated shall constitute a separate offense.

(Ord. of 2-6-1990, § XVIII)

Sec. 30-72. - Enforcement.

- (a) *Criminal penalty.* Any person who shall violate this article by operating a hazardous waste facility without a permit will be guilty of a misdemeanor and punished by fine of not more than \$50.00 or imprisoned for not more than 30 days.
- (b) *Civil remedies.*
 - (1) Compliance with this article may be enforced by the county in any court having jurisdiction of the matter.
 - (2) Any person or corporation violating this article by operating a hazardous waste facility in the county without a permit shall pay to the county a fine of \$1,500.00 per day for each day of operation. Each day shall be a separate offense.

(Ord. of 1-26-1990(eff.), § VII)

Chapter 31: Special Events Ordinance

Sec. 31-49. - Penalties and remedies

- (A) *Clean up and damage to public property.* The sponsor or property owner shall be responsible for maintaining all areas encompassed by the event in safe, clean, and orderly condition. The sponsor or property owner will be responsible for the removal of trash or debris, restoration of damaged

shrubs, plants, turf, underground and overhead utilities, structures, irrigation, trees and paved surfaces on any portion of publicly owned property. The county will inspect public property for damage no later than three days after the event. Any costs associated with such damages and their repair will be provided in a written report to the applicant no later than seven days after the event. The sponsor or property owner will be responsible for any repairs or costs related to the damages incurred. If the sponsor or property owner fails to pay the county the costs of such repairs within 30 days, then the county may seek any civil remedy available to effect payment.

- (B) *Clean up of private property.* The sponsor or property owner shall be responsible for maintaining all areas encompassed by events on private property in a safe, clean, and orderly condition and shall be responsible for the removal of trash or debris on any portion of private property following an event permitted by this chapter. The county will inspect private property for trash and debris no later than three days after the event. Any abatement necessitated by trash or debris left on private property will follow all conditions stipulated in the Montgomery County Solid Waste Ordinance.
- (C) *Abatement of unsafe conditions.* The sheriff, fire marshal, building inspector, department of environmental health, or planning director or their designees may intervene in the operation of any public or private event that based upon known or observable factors, poses an unreasonable danger to the participants or the public, or where state or local laws or ordinances are being violated, regardless of whether the event is properly permitted and complying with permit requirements. Depending upon the degree of danger, the extent of legal violations, or the nature and degree of other threats to health or safety, intervention may include suggestions for remedial action, orders for remedial action, or closing the event.
- (D) *Violation of special event permit.* Violation of the special event permit will result in a fine of \$500.00 as prescribed in 153A-123 of the North Carolina General Statutes. Failure to pay the fine within 30 days will result in a civil citation and any available civil remedy. Per 14-4 of the North Carolina General Statutes, any person found in violation of an ordinance of the county may be guilty of a Class 3 misdemeanor.

Further, if a violation of the Special Event Permit occurs, the sponsor or property owner will be required to appear before the Montgomery County Board of Commissioners for future permit approval for all events taking place within one calendar year of the date of violation. Appearance before the Board of Commissioners will follow the public hearing procedure as described in NCGS § 153A-52. Applications which require a public hearing due to prior enforcement action will result in a fee of \$250.00 in addition to the regular fees specified in Article III—Table 1 above.

([Ord. of 5-19-2015, § 4.2, eff. 7-1-2015](#))

Chapter 32: Streets, Roads, & Other Public Properties

Sec. 32-2. - Posting of printed matter and placement of signs near courthouse.

- (a) The purpose of this section is, among other purposes, designed to maintain the visual attractiveness of the county-owned courthouse property and its environs, promote public safety, and most of all respect the area around which the monuments stand in honor of those veterans who have served and are serving our country in the armed forces. The real property to which this section applies is the square block where the county courthouse is located, with its perimeter being along East Main Street, Pearl Street, East Spring Street and South Main Street.
- (b) *Posting of printed matter.* It shall be unlawful for any person, firm or corporation to post, nail, stick or otherwise affix bills, posters, advertisements, notices or any other printed or graphic matter upon the courthouse property described in subsection (a) of this section.

(c) *Placement of signs.* It shall be unlawful for any person, firm or corporation to place any sign upon the courthouse property described in subsection (a) of this section. The term "sign" includes any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, to include political signs, which are exposed to public view, and used to attract attention. The term "sign" shall not include the flag, badge or insignia or any nation, state, county, city, town or other governmental unit. Also included by definition are advertising signs, marquee signs, monument signs and portable signs. This section shall not apply to notices, signs or advertisements required to be posted by law, municipal, county, state and federal traffic signs, historical markers, monuments or signs erected by public authority and signs denoting the location of underground utilities.

(d) *Penalty.*

- (1) As a first remedy and courtesy, the county staff will remove any signs on the first offense.
- (2) The violation of this section shall be a misdemeanor and shall be punishable by a fine of not more than \$50.00 or imprisonment of not more than 30 days. Each day that any violation of this section continues shall constitute a separate offense.
- (3) In addition to or in lieu of the penalty provisions set forth in subsection (d)(2) of this section, the violator may be subject to civil penalties and/or equitable remedies as permitted under state law.
- (4) Any act constituting a violation of the provisions of this section or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00 for each separate offense. If the offender fails to pay this penalty within ten days after being notified of a violation, the penalty may be recovered by the county in a civil action in the nature of debt. Each day that any violation continues after notification exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(Ord. of 1-28-2009)

Sec. 32-48. - Use of tobacco products is prohibited in county/municipal buildings and transportation vehicles.

Use of tobacco products is prohibited in all of the following:

- (1) Buildings that are owned by the county.
- (2) Buildings that are leased by the county as lessor.
- (3) Buildings or areas of buildings that are leased by the county as lessee and occupied by the county.
- (4) Public transportation vehicles owned or leased by the county and used by the public.
- (5) The grounds of any building housing one or more components of the county health department or the county department of social services.

(Ord. of 4-21-2009, § 2)

Sec. 32-51. - Enforcement and penalties.

(a) *Employees.* Employees who violate this article may be subject to sanctions consistent with the county human resources policies.

- (b) *Others.* The person in charge of a building or vehicle identified in section 32-48 or his designee who sees an individual using a tobacco product (other than an employee) who is in violation of this article must ask the individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, he shall be given a formal warning. Future violations shall constitute a misdemeanor, punishable by a fine not to exceed \$200.00 per violation.

(Ord. of 4-21-2009, § 5)

Chapter 34: Subdivisions

Sec. 34-38. - Penalties for violation.

- (a) Any person who thereafter subdivides their land in violation of this article, or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved and recorded in the office of the county register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring land, shall not exempt the transaction from this penalty. The county, may enjoin illegal subdivisions, transfers, or sales of land. Violators of this article shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4 or the criminal statutes of the state.
- (b) Other violations of this article shall subject the offender to a civil penalty in the amount of \$50.00, to be recovered by the county. Violators shall be issued a written citation which must be paid within ten days.
- (c) Each day's continuing violation of this article shall be a separate and distinct offense.
- (d) Notwithstanding subsection (b) of this section, this article may be enforced by appropriate equitable remedies from a court of competent jurisdiction.
- (e) Nothing in this section shall be construed to limit the use of remedies available to the county. The county may seek to enforce this article by using any one, all, or a combination of remedies.

(Ord. of [8-31-2015](#))

Chapter 40: Utilities

Sec. 40-70. - Regulations.

- (a) No water service connections shall be installed or maintained unless the potable water and water supply are protected against actual or potential contamination or pollution in the manner required. Where a residential connection to a county water line is made, and the property owner continues to have a well or other source of water, it shall be unlawful for the plumbing servicing any building upon such property to be so connected that any water outlet within the building may be served with water from any source other than the county connection, and it shall also be unlawful to have plumbing cross connected or so installed that water from the county water system or private water system may in any way become intermingled.
- (b) In the event of contamination or pollution of a potable water system, the consumer shall notify the public utilities department immediately in order that appropriate measures may be taken to overcome the contamination or pollution.

- (c) An authorized representative of the county water system has the right to enter any building, structure or premises during normal working hours to perform any related duties that ensure the water regulations are adhered to. His duties may include sampling and testing water, or inspections and observations of all piping systems connected to the public water supply. Prior notice will be given unless an imminent hazard has been reported. Refusal to allow entry for these purposes may result in termination of the water service.
- (d) Nothing in this section shall relieve the consumer of the responsibility for conducting or causing to be conducted periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections in the consumer's waste system through which contaminants or pollutants could flow back into the public water system.
- (e) On request, the consumer shall furnish to the department any pertinent information regarding the water supply system on such property where cross connection, backflow, and back-siphonage are deemed possible.
- (f) Water service may be discontinued after reasonable notice to the consumer if a violation of this section exists on the premises, and such other precautionary measures may be taken as are deemed necessary to eliminate any danger to the potable water system. Water service shall not be restored until the danger has been eliminated in compliance with the provisions of this section.
- (g) Installation of all cross connection, backflow, and back-siphonage control devices will be approved by public utilities department specification.
- (h) All cross connection, backflow, and back-siphonage control devices shall meet the testing requirements of the Foundation for Cross-Connection Control and Hydraulic Research and the American Water Works Association.
- (i) All cross connection, backflow, and back-siphonage control devices, both existing and new, and all parts thereof, shall be maintained in a safe condition and in good working order. The consumer shall be responsible for the maintenance of all backflow prevention devices downstream from the service connection on the private water system. All backflow prevention devices located at the service connection shall be tested at least one time per year, with the exception of residential irrigation backflow preventers which shall be tested at least one time every two years, or more often in those instances where inspections indicate a need, by a county-approved certified tester. All maintenance and repairs shall be made at the expense of the consumer.
- (j) Test information as required by the county shall be submitted on forms approved by the county.
- (k) If multiple consumers are served by one service connection or the service connection cannot be interrupted for testing and/or repairs, a tandem backflow assembly or a bypass with equal backflow protection will be required.
- (l) All backflow preventers must be installed in a horizontal position, except those vertical fire line double-check backflow preventers approved for installation by the county.
- (m) An approved backflow prevention device shall be installed, maintained, and tested at a location to protect the county's potable water system from the consumer's water system whenever any of the conditions specified in this section of the policy are present. In all cases, this location shall be between the county's potable water system and the first branch connection or use of the consumer's water system. Unless an exception is granted by the public utilities director or his designee, the backflow prevention device shall be located at the consumer's property line.

(Ord. of 11-29-2005(3), § IV)

Appendix A: Zoning

Section 9. - Penalties and Enforcement.

9.1. *Criminal Penalties.* Any person, firm or corporation violating any section or provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50.00, or imprisoned not more than thirty (30) days. Each day such violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided. [For example, a continued violation of one (1) week after receiving notice from the Zoning Administrator could accumulate penalties of up to \$350 fine or imprisonment of up to two hundred and ten (210) days.]

9.2. *Civil Remedies.* If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby, Montgomery County may apply to the District Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed and demolished or removed, that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut, that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.

9.3. *Equitable Relief.* Montgomery County may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the County's application for equitable relief that there is an adequate remedy at law.

9.4. *Combination of Remedies.* The County may choose to enforce this Ordinance by any one, all, or combination of the above procedures.

9.5. *State Enforcement Authority.* The Environmental Management Commission may take any appropriate preventive or remedial enforcement action authorized under GS 143-214 5 against any person who violates any minimum statewide water supply watershed management requirement.